

# Minutes

## Clark County Planning Commission

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Regular Meeting ~ 2:00 pm.  
Wednesday, May 6, 2015

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45505

Ms. Jo Anderson, Vice-Chairperson of the Clark County Planning Commission of Clark County Ohio, calls the meeting to order at 2:00 pm.

Present: Ms. Jo Anderson, Mrs. Nora Parker, Mr. David Minard, Mr. Jim Burkhardt, Mrs. Charlene Roberge, Ms. Janie Riggs, Commissioner Herier, Commissioner Lohnes, and Commissioner Detrick.

Absent: Mrs. Elaine Stevenson, Ms. Janie Riggs and Mr. Mark Scholl

Vice-Chairperson Anderson asks if there are any corrections or amendments to the minutes. Hearing none she asks for a motion to approve the minutes.

### **CPC: 5-06-2015: Minutes ~ April 1, 2015 ~ Regular Meeting**

Motion by Mrs. Roberge, seconded by Mr. Minard to **Approve** the minutes after making the correction that Nora Parker was not present.

**VOTE: Yes:** Mrs. Roberge, Mr. Minard, Ms. Anderson, Commissioner Detrick, Commissioner Herier, and Commissioner Lohnes

**No:** None

**Abstain:** Mr. Burkhardt and Mrs. Parker

***Motion carried.***

Mrs. Elaine Stevenson arrives at 2:02

### **Z-2015-01~ Rezoning ~ Property Owner: Sarah Overholser ~ Location 6976 River Road ~ 0.698 acres from I-1 to A-1 (house property split between Moorefield Township and German Township)**

Vice-Chairperson Anderson presents the case and asks Mr. Neimayer for the Staff Report.

The subject property and the surrounding properties in Moorefield Township were originally zoned M-2 (Second Industrial District) on the November 1959 township zoning map. That industrial designation was changed to I-1 on the February 1990 township zoning map and has remained as such – see zoning map. When US 68 (the divided highway) was constructed, the properties to the west were split and technically became landlocked parcels

in Moorefield Township. Today, those parcels are accessed from River Road in German Township. Following the construction of US 68, those Moorefield Township properties should have been rezoned to A-1 to be consistent with the abutting properties in German Township.

Mr. Neimayer also stated that the subject property, PID #230-03-00035-100-052, consists of 0.698 acres and is currently zoned I-1 (Industrial District). The house property is split between Moorefield and German Townships – see location map. The owner is selling the property and, to satisfy the lending institution, needs to rezone the 0.698 acres from I-1 (Industrial District) to A-1 (Agricultural District).

Mr. Neimayer stated that the land use of the subject property will not change. Due to the house site being split between two different tax districts, the property will remain a separate parcel. Staff recommends the Applicant's request to rezone the subject property from I-1 to A-1 be approved. The purpose of this rezoning is that the owner is trying to sell the property.

Mr. Neimayer asked if there were any questions from the Board, there were none.

Vice-Chairperson Anderson asked if there were any more questions or comments.

With no further discussion, Vice-Chairperson Anderson asked for a motion.

**CPC: 5-13-2015: Z-2015-01: Rezoning ~ Property Owner: Sarah Overholser ~ Location 6976 River Road ~ 0.698 acres from I-1 to A-1 (house property split between Moorefield Township and German Township)**

Motion by Mrs. Roberge, seconded by Mrs. Stevenson, to **Approve** the proposed rezoning as presented.

**VOTE: Yes:** Mrs. Roberge, Mrs. Stevenson, Mr. Minard, Mrs. Parker, Mr. Burkhardt, Commissioner Detrick, Commissioner Herier and Commissioner Lohnes.

**No:** None.

***Motion carried unanimously.***

**Z-2015-02 ~ Rezoning ~ Property Owners: Robert & Patricia Baise ~ Location 6242 Harvest Street ~ 5.0 acres from AR-5 to A-1 ~ Moorefield Township**

Vice-Chairperson Anderson presents the case and asks Mr. Neimayer for the Staff Report.

Mr. Neimayer stated that the subject property is located at 6242 Harvest St. in Moorefield Township. It is a 5.0 acre split approved in March 2002 from the Randi's Range subdivision and was rezoned to AR-5 (Agricultural/Residential District). The surrounding land use is single-family residential. Property to the north, The Knolls subdivision, is zoned A-1 (Agricultural District). Randi's Range subdivision is to the south and west. Property to the

south is zoned A-1 while property to the west is zoned R-1 (Rural Residential District). Further south along Willow Road is Riegel Acres subdivision zoned R-1 in 1992. Other properties along Willow Road are zoned A-1 as are properties along Morris Rd. to the east.

Mr. Neimayer also stated that in order to to increase his rear yard area, the Applicant would like to purchase 1.0 acre from the Owner's property and attach that one acre to his existing parcel in The Knolls Subdivision. In reviewing this proposal, it was discovered that the Owner's property would become a non-conforming parcel as the AR-5 zoning district requires a minimum lot size of 5.0 acres. Therefore, the Owner has filed this rezoning application to change the zoning from AR-5 to A-1.

Mr. Neimayer asked if there were any questions from the Board.

Mrs. Stevenson asked if there was still an AR-5 district and what it encompassed.

Mr. Neimayer stated that it is an Agricultural Residential Zoning District.

Vice-Chairperson Anderson asked if there were any further questions. Hearing none Vice-Chairperson Anderson asked for a motion.

**CPC: 5-14-2015: Z-2015-02: Rezoning ~ Property Owners: Robert & Patricia Baise ~ Location 6242 Harvest Street ~ 5.0 acres from AR-5 to A-1 ~ Moorefield Township**

Motion by Mrs. Roberge, seconded by Mr. Burkhardt, to **Approve** the proposed rezoning as presented.

**VOTE: Yes:** Mrs. Roberge, Mr. Burkhardt, Mrs. Stevenson, Mr. Minard, Mrs. Parker, Commissioner Detrick, Commissioner Herier and Commissioner Lohnes.

**No:** None.

***Motion carried unanimously.***

Mrs. Stevenson asked why the other lots should not have been zoned A-1.

Mr. Neimayer stated that subdivisions are not allowed when a property is zoned A-1. When Randy's Range came through that portion should have been rezoned to comply with the rules.

Mrs. Stevenson asked what that would have been zoned.

Mr. Neimayer stated that it would be R-1. There is no maximum lot size in R-1.

Mrs. Stevenson asked if R-1 would hinder the property owners if they wanted to do some farming.

Mr. Neimayer stated not necessarily. State law says that you have to look at the zoning and also the lot size. If you are over 5 acres it does not matter what zoning district you are in.

Mrs. Stevenson stated that she thought there were some restrictions on R-1.

Mr. Neimayer stated that agricultural use is not permitted in R-1, but State law will trump local zoning if the property is over 5 acres.

**Z-2015-05~ Rezoning ~ Property Owners: Shawn & Sandra Markley ~ Location 0 Springfield-Jamestown Road ~ 4.33 acres from A-1 to B-3'S' for a vehicle towing and repair business ~ Green Township**

Vice-Chairperson Anderson presents the case and asks Mr. Neimayer for the Staff Report.

Mr. Neimayer stated that the request is to rezone 4.33 acres from A-1 to B-3'S' for a vehicle towing and repair business. The subject property is located behind 6187 Springfield-Jamestown Rd. in Green Township – Parcel #100-12-00034-100-005. It is a landlocked parcel consisting of 4.33 acres and currently zoned A-1 (Agricultural District). The Applicants are requesting to rezone the property from A-1 to B-3'S' for a vehicle towing and repair business – see Applicant's narrative and site drawings.

Mr. Neimayer also stated that the adjacent properties along the west side of Springfield-Jamestown Rd. were zoned R-1 (Rural Residence District) on the May 1984 township zoning map. Other properties in this area were zoned A-1 and remain as such today. On March 13, 1984, a 0.273 acre tract of land on the east side of Springfield-Jamestown Rd. approximately 875 ft. north of Jackson Rd. (southeast of the subject property) was rezoned to B-2 (Community Business District) for a retail and repair shop for lawn mowers and chain saws.

Mr. Neimayer stated that the subject area is east of Springfield-Beckley Municipal Airport and located in District 3 of the airport's zoning overlay. Use restrictions under the zoning overlay: *"... no use may be made of and within any zone established by these regulations in such a manner as to create electrical interference with radio communication between airport and aircraft, make it difficult for airmen to distinguish between airport lights and others, result in glare in the eyes of airmen using the Airport, impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft"*.

Mr. Neimayer stated that there have been some code enforcement issues with this property in the past. There has been some clean up and now the Applicants are trying to get the proper zoning for their intended use of the property. There has not been anything received from the Health Department concerning this case. If the rezoning is approved they will need to work with the Health Department concerning on-site utilities or the Ohio EPA.

Mrs. Roberge asked how one would get to this land locked lot.

Mr. Neimayer stated that they would have their access drive off Springfield-Jamestown Road to the residence and they would extend that to the rear lot. If the rezoning would be approved the County would ask that a separate ingress/egress easement be included. The fact that they are two separate parcels there is the chance that one or the other will be sold in the future and needs to be recorded for legitimate access.

Mrs. Stevenson stated asked if it would be a separate access.

Mr. Neimayer stated it would be a separate 16 foot wide along the north lot line. Under zoning, there is the requirement to have a paved surface the only other option would be a variance to keep it gravel.

Mrs. Stevenson asked what the requirement was for the frontage of the existing lot.

Mr. Neimayer stated that normally it would be 150 ft. The Applicant is compliant. The easement will not take off or reduce any of the frontage.

Mrs. Roberge asked if any of the neighbors have shown any concern.

Mr. Neimayer stated that he had not heard from any of the neighbors, letters have been sent to the surrounding property owners. He stated that there was one neighbor in attendance. Although this is not a public hearing, the Board can decide if they want to hear from him.

Mrs. Stevenson asked what size the other residential lots were.

Mr. Neimayer stated that they have approximately 107 feet of frontage which would not comply today but they were existing lots.

Mrs. Roberge asked if their intention was to use the drive that goes right along the edge of property by the neighbor for the trucks.

Mr. Neimayer stated that that was what was proposed. The lots are just under an acre.

Mrs. Stevenson asked what the use of the property is currently.

Mr. Neimayer stated that there is a pond and an existing pole building.

Mrs. Stevenson asked if there was an operation there now.

Mr. Neimayer stated that things have gone back and forth with code complaints from neighbors about the towing business.

Vice-Chairperson Anderson asked if there were any further questions from the Board. There were none.

Vice-Chairperson Anderson asked if the Applicant would like to speak.

Mr. Shawn M. Markley, Applicant whose address is 6187 Springfield-Jamestown Road, came to the podium.

Mrs. Roberge asked if he had spoken to his neighbors.

Mr. Markley stated that he had spoken to a majority of his neighbors and they plan on attending the next meeting and they have no objections. There are two neighbors that he has not been in contact with.

Mrs. Stevenson asked Mr. Markley if he was operating out of the proposed address at this time.

Mr. Markley stated that they have a location at 413 Scott Street currently that has become very expensive.

Mrs. Stevenson asked how many vehicles he plans to store there.

Mr. Markley stated that probably between 4 and 8 vehicles at a time for the State Highway Patrol.

Mrs. Stevenson asked if the property was required to be fenced.

Mrs. Parker asked if there was also going to be a small repair business.

Mr. Markley stated that is correct.

Mrs. Parker asked what the hours would be.

Mr. Markley stated that the hours would be 9 am to 5 pm. The only other activity would be when a car is towed in in the night for law enforcement. The majority of the work is contracted through insurance companies. All the drivers at night take their trucks home.

Mrs. Stevenson asked where the vehicle storage would be located on the lot.

Mr. Markley stated that it would be back by the structure already on the lot and it would be fenced in around it.

Mr. Neimayer wanted to verify the hours of operation. It was stated in the Application/letter that the hours would be 8 am to 6 pm other than impounded cars being brought in during the night time.

Mr. Markley stated that the hours have been changed to 9 am to 5 pm.

Mrs. Parker asked if this is voted on today and approved there is no need for neighbors to attend next meeting.

Mr. Neimayer stated that this Board is only making a recommendation and that the case then goes to the Rural Zoning Commission and the County Commissioners. He stated that this is a public meeting not a public hearing.

Mrs. Roberge stated that her biggest concern is the value of the residential properties close that might deteriorate especially the one right next door.

Mr. Robert Dubie, whose address is 6443 Springfield Jamestown Road, stated that he believes that Mr. Markley should keep his towing business in Springfield. He presented a list of 12 residents that live on Route 72 that have signed a paper that are opposed to the business being located in the proposed location.

Mr. Dubie stated that he has lived in his house for four years and multiple times there have been knocks on the door at 2:00 and 3:00 in the morning from people looking for their vehicles.

Mr. Markley stated that Mr. Dubie works for Dan's Towing.

Mr. Dubie responded that he no longer works for Dan's and worked there for about a year. He stated that there is constant traffic and the tow trucks are always there. He is concerned about his property value and bringing a business out to a residential area.

Mrs. Stevenson asked for clarification. Are there currently cars on the property in question.

Mr. Dubie stated that he farms the field behind the property and there are cars on it.

Vice-Chairperson Anderson asked if there were any further questions from the Board. There were none.

Vice-Chairperson Anderson asked for a motion.

**CPC: 5-15-2015: Z-2015-05: Rezoning ~ Property Owners: Shawn & Sandra Markley ~ Location 0 Springfield-Jamestown Road ~ 4.33 acres from A-1 to B-3'S' for a vehicle towing and repair business ~ Green Township**

Motion by Mrs. Parker, seconded by Mrs. Stevenson, to **Reject** the proposed rezoning as presented.

**VOTE: Yes:** Mrs. Parker, Mrs. Stevenson, and Mrs. Roberge

**No:** Mr. Burkhardt and Mr. Minard

**Abstain:** Commissioner Detrick, Commissioner Lohnes, and  
and Commissioner Herier

***Motion carried unanimously.***

### Staff Comments

Mr. Neimayer stated that the next scheduled meeting will be Wednesday, June 3, 2015.

### Adjournment CPC: 5-16-2015: Adjournment

Motion by Commissioner Detrick, seconded by Mrs. Charlene Roberge, to adjourn the meeting.

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 2:45 pm.

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Ms. Anderson, Vice-Chairperson

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Mr. Thomas A. Hale, Secretary